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Robert A Franks
Dr Reddy's Laboratories Inc
200 Somerset Corporate Blvd
Seventh Floor
Bridgewater NJ 08807-2826

In re Application of:
Timmer, Richard, T., et al. :
U.S. Application No.: 10/528,724 :
PCT No.: PCT/US2003/009356 :
International Filing Date: 26 March 2003 :
Claimed Priority Date: 23 September 2002 :
Attorney's Docket No.: RUS 3.3-003 :
For: METHODS AND COMPOSITIONS OF :
NOVEL TRIAZINE COMPOUNDS :

DECISION ON PETITION TO
CHANGE INVENTOR'S NAME
(37 CFR 1.182)

This decision is issued in response to the "Petition Under 37 CFR 1.182" filed by applicants on 06 September 2006. Applicants have paid the required \$400 petition fee.

BACKGROUND

On 26 March 2003, applicants filed international application PCT/US2003/009356. The application claimed a priority date of 23 September 2002, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 23 March 2005.

On 22 March 2005, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 24 January 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

On 12 May 2006, applicants filed a response to the Notification Of Missing Requirements (with required extension fee) that included an executed declaration and the required surcharge payment.

On 09 August 2006, the DO/EO/US mailed a Notification Of Defective Response (Form PCT/DO/EO/916) indicating that the declaration filed 12 May 2006 was defective because the name for the inventor identified on the declaration as Sesha Srivedi ALLURI did not correspond to this inventor's name on the published international application.

On 06 September 2006, applicants filed the petition considered herein. The petition asserts that the correct name for the inventor at issue is Sesha Sridevi ALLURI, as listed in the declaration filed 12 May 2006. The petition states that this inventor's name (listed as SRIVEDI, Bhatlapenumarthy, Sesha on the international application) had been changed after the filing of the international application due to marriage.

DISCUSSION

Section 605.04(c) of the Manual Of Patent Examining Procedure ("MPEP") sets forth the requirements for a petition under 37 CFR 1.182 to correct an inventor's name where, as here, the inventor's name has been changed after the filing of the application. According to the MPEP, such a petition "must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicants' submission included payment of the required petition fee. However, applicants have not submitted an affidavit by Sesha Sridevi ALLURI setting forth both her current and previous names and the procedure whereby her name was changed (i.e., marriage), or a certified copy of a court order confirming such change. Applicants therefore have not satisfied the requirements for a grantable petition to correct the name of record for this inventor.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

The declaration submitted by applicants on 12 May 2006 remains defective for failure to properly identify all the inventors of record.

Any request for reconsideration on the merits must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any such response must include either the required affidavit from the inventor whose name has changed or a certified copy of the court order confirming the name change, as discussed above and in the MPEP.

Failure to file a proper response in a timely manner will result in **ABANDONMENT** of the application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459